

Exhibit 1

1 **LEWIS BRISBOIS BISGAARD & SMITH LLP**
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6 Attorneys for Defendant,
GREYHOUND LINES, INC.
7

8 UNITED STATES DISTRICT COURT
9 CENTRAL DISTRICT OF CALIFORNIA, EASTERN DIVISION
10

11 ANDREW COLEMAN, an individual,

12 Plaintiff,

13 vs.

14 GREYHOUND LINES INC. a
Delaware Corporation; and DOES 1
15 through 50, inclusively,

16 Defendant.
17

CASE NO.

**DEFENDANTS' NOTICE OF
REMOVAL OF ACTION TO FEDERAL
COURT PURSUANT TO 28 U.S.C. §§
1332, 1441, 1442 AND 1446;
DECLARATION OF CHRISTOPHER A.
MCINTIRE**

18 TO ALL PARTIES HEREIN AND TO THEIR ATTORNEYS OF RECORD:

19 PLEASE TAKE NOTICE that, pursuant to 28 U.S.C. sections 28 U.S.C. §§
20 1332(a) and 1441(b), Defendant GREYHOUND LINES, INC. hereby removes the
21 state court action in this matter to federal court, as detailed below:

22 1. On July 21, 2023 an action was filed in the Superior Court of the State
23 of California in and for the County of Riverside entitled *ANDREW COLEMAN v.*
24 *GREYHOUND LINES, INC.* The case number is CVPS2303499.

25 2. Defendant GREYHOUND LINES, INC. was served a copy of the
26 complaint on July 31, 2023 (Please see Exhibit # 1 to the Declaration of Christopher
27 A. McIntire ("CAM Decl.") ¶ 2).
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1 3. In the instant litigation Plaintiff ANDREW COLEMAN alleges that
 2 Defendant GREYHOUND LINES, INC, was responsible for injuries he sustained
 3 during a June 3, 2022 motor vehicle accident in Palm Springs, California. Plaintiff
 4 ANDREW COLEMAN was a passenger on a bus operated by Defendant
 5 GREYHOUND LINES, INC. traveling from California to Arizona. Plaintiff alleges
 6 three (3) causes of action, Motor Vehicle Negligence, General Negligence, and
 7 Common Carrier Liability. (Please See Exhibit # 1 to the CAM Decl. ¶ 3)

8 4. Diversity of Jurisdiction under 28 U.S.C. 1332 is as follows:

9 A. Defendant GREYHOUND LINES, INC. was at the time of
 10 filing, and still is, a Delaware Corporation. GREYHOUND LINES, INC.'s primary
 11 place of business is in Dallas, Texas. Plaintiff acknowledges this in ¶¶ 4 & 5 of his
 12 operative complaint. (Please See Exhibit # 1 to the CAM Decl. ¶ 4)

13 B. Defendant is informed and thereon believes that Plaintiff
 14 ANDREW COLEMAN, was at the time of filing, and still is, a natural person and
 15 resident of the State of Arizona. (Please See Exhibit # 1 to the CAM Decl. ¶ 5)

16 5. Plaintiff does not name any other Defendants to this action, except for
 17 twenty-five (25) DOE defendants who have not been identified nor named in this
 18 litigation. As such, there are no other Defendants to join or consent to this Notice of
 19 Removal under 28 U.S.C. § 1446(b)(2)(A). (CAM Decl. ¶ 6)

20 6. Defendant believes venue is proper in the Central District of California
 21 pursuant to 28 U.S.C. § 1391, in that Plaintiff is believed to be domiciled in Arizona
 22 and while the incident occurred in the state of California, Defendant is informed and
 23 thereon believes that Plaintiff's treatment and recovery took place in Arizona.
 24 (CAM Decl. ¶ 7)

25 7. At the time of service of the Complaint Plaintiff also served
 26 Defendant GREYHOUND LINES, INC. with a Statement of Damages, which
 27 included a claim that his special damages would be \$500,000.00 and his general
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1 damages would be \$500,000.00. This amount clearly exceeds the \$75,000.00
2 amount in controversy threshold under 28 U.S.C. § 1441(b). (CAM Decl. ¶ 8)

3 9. For these reasons the instant litigation may be removed to this Court
4 pursuant to the provisions of 28 U.S.C. §1441(b) in that it is a civil action between
5 citizens or subjects of a foreign state and a citizen of a different state, and the
6 amount in controversy as alleged in the complaint exceeds the sum of \$75,000,
7 exclusive of interest and costs.

8 10. This removal notice is filed in the United States District Court for the
9 Central District of California because the action is pending in the County of
10 Riverside.

11 11. Defendant will give written notice of the filing of this Notice of
12 Removal to all adverse parties as required by 28 U.S.C. Section 1446 (d) and will
13 file a copy of this Notice of Removal with the Superior Court of California, County
14 of Riverside, as further required by that Section.

15 12. The undersigned counsel for defendant, GREYHOUND LINES, INC.,
16 has read the foregoing and signs this Notice of Removal pursuant to Rule 11 of the
17 Federal Rules of Civil Procedure, as required by 28 U.S.C. Section 1446 (a).

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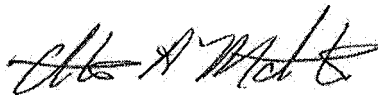
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1 WHEREFORE, Defendant GREYHOUND LINES, INC. prays the instant
2 litigation, Case No. CVPS2303499, now pending in the Superior Court of the State
3 of California for the County of Riverside, be removed therefrom to this Court.

4 DATED: August 31, 2023 LEWIS BRISBOIS BISGAARD & SMITH LLP

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6 By: 
7 CHRISTOPHER A. McINTIRE
8 Attorneys for Defendant
9 GREYHOUND LINES, INC.
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DECLARATION OF CHRISTOPHER A. MCINTIRE

I, Christopher A. McIntire, declare as follows:

1. I am an attorney duly admitted to practice in all of the courts of the State of California and I am an associate for Lewis Brisbois Bisgaard & Smith LLP, attorneys of record for Defendant GREYHOUND LINES, INC. herein. The facts set forth herein are of my own personal knowledge, and if sworn I could and would competently testify thereto.

2. The original Complaint in this matter was filed on July 21, 2023, in the Superior Court of the State of California in and for the County of Riverside entitled *ANDREW COLEMAN v. GREYHOUND LINES, INC.*, case number CVPS2303499.

3. Plaintiff ANDREW COLEMAN alleges that my client was responsible for injuries he sustained during a June 3, 2022 motor vehicle accident in Palm Springs, California while a passenger on a bus operated by my client traveling from California to Arizona. Plaintiff alleges three (3) causes of action, Motor Vehicle Negligence, General Negligence, and Common Carrier Liability. (Attached herewith as Exhibit # 1 is a true and correct copy of Plaintiff's complaint)

4. My client, Defendant GREYHOUND LINES, INC. was at the time of filing, and still is, a Delaware Corporation. GREYHOUND LINES, INC.'s primary place of business is in Dallas, Texas. This is acknowledged in ¶¶ 4 & 5 of Exhibit # 1, Plaintiff's operative complaint.

5. I am informed and thereon believes that Plaintiff ANDREW COLEMAN, was at the time of filing, and still is, a natural person and resident of the State of Arizona. This is acknowledged in ¶ 11 of Exhibit # 1, Plaintiff's operative complaint.

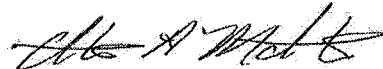
6. Plaintiff does not name any other Defendants to this action, except for twenty-five (25) DOE defendants who have not been identified nor named in this

1 litigation. As such, there are no other Defendants to join or consent to this Notice of
2 Removal under 28 U.S.C. § 1446(b)(2)(A).

3 7. Venue is proper in the Central District of California pursuant to 28
4 U.S.C. § 1391, because while the incident occurred in the state of California, I am
5 informed and believe that Plaintiff's treatment and recovery took place in Arizona.

6 8. At the time of service of the Complaint Plaintiff also served my client
7 with a Statement of Damages. Plaintiff indicated his special damages would be
8 \$500,000.00 and his general damages would be \$500,000.00. This Statement of
9 Damages is included as part of Exhibit # 1, Plaintiff's operative complaint.

10 I declare under penalty of perjury under the laws of the United States of
11 America that the foregoing is true and correct and that this declaration was executed
12 on August 30, 2023, at San Bernardino, California.

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14
15 Christopher A. McIntire, Declarant

FEDERAL COURT PROOF OF SERVICE

COLEMAN, ANDREW vs GREYHOUND LINES, et al.
Case No.

STATE OF CALIFORNIA, COUNTY OF SAN BERNARDINO

At the time of service, I was over 18 years of age and not a party to the action. My business address is 650 East Hospitality Lane, Suite 600, San Bernardino, CA 92408. I am employed in the office of a member of the bar of this Court at whose direction the service was made.

On August 30, 2023, I served the following document(s): DEFENDANTS' NOTICE OF REMOVAL OF ACTION TO FEDERAL COURT PURSUANT TO 28 U.S.C. §§ 1332, 1441, 1442 AND 1446; DECLARATION OF CHRISTOPHER A. MCINTIRE

I served the documents on the following persons at the following addresses (including fax numbers and e-mail addresses, if applicable):

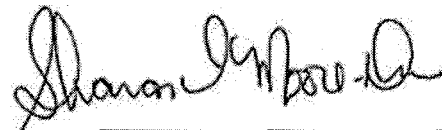
SEE ATTACHED SERVICE LIST

The documents were served by the following means:

- ☒ (BY E-MAIL OR ELECTRONIC TRANSMISSION) Based on a court order or an agreement of the parties to accept service by e-mail or electronic transmission, I caused the documents to be sent to the persons at the e-mail addresses listed above. I did not receive, within a reasonable time after the transmission, any electronic message or other indication that the transmission was unsuccessful.
- ☒ (BY COURT'S CM/ECF SYSTEM) Pursuant to Local Rule, I electronically filed the documents with the Clerk of the Court using the CM/ECF system, which sent notification of that filing to the persons listed above.

I declare under penalty of perjury under the laws of the United States of America and the State of California that the foregoing is true and correct.

Executed on August 30, 2023, at San Bernardino, California.



SHARON DENISE MOORE-DUNCAN

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SERVICE LIST
COLEMAN, ANDREW vs GREYHOUND LINES, et al.
Case No.

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